

**INFORMATION FILED:** October 19, 1949, Eastern District of Washington, against Bernard A. Brownlow, trading as the Amberin Co., Walla Walla, Wash.

**ALLEGED SHIPMENT:** On or about December 23, 1948, and February 7, 1949, from the State of Washington into the State of Montana.

**LABEL, IN PART:** "Amberin \* \* \* For Hemorrhoids Active Ingredients Worm Wood Menthol Acetone Thymol \$10 Manufactured for Amberin Company Walla Walla, Washington."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the label statement "For Hemorrhoids" was false and misleading since the article would not be efficacious in the cure, mitigation, and treatment of hemorrhoids.

**DISPOSITION:** July 21, 1950. A plea of not guilty having been entered, the case came on for trial before the court without a jury. At the conclusion of the trial, the court found the defendant guilty and sentenced him to serve 10 months in a Federal work camp.

**3194. Misbranding of ViViBx tablets and ViViBx capsules. U. S. v. International Pharmaceutical Co. and Frederick Herrschner. Pleas of nolo contendere. Fine of \$1,000, plus costs, against defendants jointly. (F. D. C. No. 26698. Sample Nos. 7097-K, 16842-K, 31615-K to 31617-K, incl.)**

**INFORMATION FILED:** May 26, 1949, Northern District of Illinois, against the International Pharmaceutical Co., a corporation, trading as Frederick Herrschner, Chicago, Ill., and against Frederick Herrschner, president of the corporation.

**ALLEGED SHIPMENT:** On or about March 22 and 31 and April 7 and 13, 1948, from the State of Illinois into the States of New York, Wisconsin, and California.

**LABEL, IN PART:** "ViViBx \* \* \* Vitamin D and A Tablets Fortified with Vitamin E. Each tablet contains: Vitamin D 25,000 U. S. P. Units Vitamin A 5,000 U. S. P. Units Vitamin E 5,000 Micrograms and supplies 62.5 times MDR Vitamin D and 100% Vitamin A. Need not yet determined for Vitamin E (tocopherols)"; "ViViBx Whole Natural B Complex Tablets (From Special Selected Strain of Highest Potency Yeast) Each Tablet Contains: Vitamin B<sub>1</sub> 1220 Micrograms Vitamin B<sub>2</sub> 2400 Micrograms Niacin 160 Micrograms Pantothenic Acid 88 Micrograms Plus all other factors of the B Complex Natural to Yeast, including 18 Amino Acids, 11 minerals"; "ViViBx \* \* \* Vitamin E Concentrate Capsules \* \* \* Each capsule contains 39.4 mg. of mixed natural Tocopherols. Equivalent to 30 mg. of Alpha-Tocopherol in biological activity"; "ViViBx \* \* \* Super Capsules Vitamins in each capsule A . . . . . 5,000 U. S. P. units B<sub>1</sub> . . . . . 666 U. S. P. units D . . . . . 800 U. S. P. units B<sub>2</sub> . . . . . 50 Gamma G (B<sub>2</sub>) . . . . . 2,000 Gamma C . . . . . 600 U. S. P. units K . . . . . 10 Gamma Niacin Amide . . . . . 10,500 Gamma Calcium Pantothenate . . . . . 1,000 Gamma Wheat Germ Oil . . . . . 171,000 Gamma"; and "ViViBx \* \* \* High Potency Vitamin C (Ascorbic Acid) Each tablet contains 100 Milligrams (2000 U. S. P. or Intn'l Units) of Vitamin C—furnishing 3½ times or 333% of the adult minimum daily requirement."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in circulars entitled "Price List of ViViBx," accompanying all of the articles, "Save Safely 20% Sale," accompanying all of the articles except for the B complex tablets, and "Aglow With Life," accompanying the vitamin E capsules, were false and misleading since the articles would not be efficacious for the purposes represented and suggested. The statements represented and suggested:

That the *ViViBx vitamins D and A tablets* would be efficacious to nourish the bones, nerves, and internal membranes, and would be adequate and effective for the treatment of arthritis, rheumatism, swollen joints, and muscular atrophy;

That the *ViViBx whole natural B complex tablets* would be efficacious in the treatment of diabetic conditions, simple anemia, bad breath, dental caries, glossitis, acne, and other minor skin afflictions;

That the *ViViBx vitamin E concentrate capsules* would be efficacious to protect the body's vitamin A reserves, and to prevent fatty livers; that it would be efficacious in the treatment and prevention of muscular ailments, and diseases of the human heart; that it would protect the body's vitamins, hormones, and fats, and would nourish the muscles, including those of the heart; that it would prevent loss of, or serious damage to, the membranes of the sex organs; that it would be efficacious to prevent gastric ulcers; that it would ease rheumatic pain; that it would be helpful during the menopause; that it would be efficacious to prevent abortion and would be of value in pregnancies; that it would be efficacious in the prevention and treatment of hot flashes; and that it would be of value in the formation and preservation of tooth enamel;

That the *ViViBx Super capsules* would be efficacious to prevent food rancidity in the body and to build body resistance against colds, fatigue, nervousness, irritability, and tooth decay;

That the *ViViBx high potency vitamin C tablets* would be efficacious in the treatment and prevention of gingivitis, dental caries, pyorrhea, gum infections, anorexia, anemia, undernutrition, and infections; that it would be efficacious to combat common colds; and that it would be efficacious to counteract body poisons and nutritional oral and tooth deficiencies.

DISPOSITION: June 29, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$1,000, plus costs, against the defendants jointly.

3195. Misbranding of Vita-Pep tablets. U. S. v. 41 Boxes. \* \* \*. (F. D. C. No. 29341. Sample No. 72745-K.)

LABEL FILED: May 26, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 16, 1949, from Baltimore, Md.

PRODUCT: *Vita-Pep tablets*. 41 boxes, each containing 50 tablets, at Columbus, Ohio, in possession of the May Drug Co., together with a placard relating to the product headed "Restore Youth and Vitality."

RESULTS OF INVESTIGATION: The May Drug Co. received the product in bottles of 5,000 tablets each, but none of the tablets remained on hand in the original containers, all having been repackaged into boxes labeled as described below. Also in possession of the consignee at its store was a placard displayed in the window, together with dummy boxes used in packaging the tablets. The placard read, in part: "Restore Youth and Vitality."

Analyses showed that the article contained alkaloids of nux vomica in very small amounts, together with zinc phosphide and unidentified organic matter.

LABEL, IN PART: (Boxes) "Vita-Pep Tablets For Better Health Life Begins At Forty Vita-Pep is the perfect tonic for persons approaching middle age. Restores energy and will help you to enjoy life. Distributed by May Laboratories Columbus, Ohio."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and on the accompanying placard were false and misleading.